

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WHITNEY BAUTISTA,

Plaintiff,

Case No.: 21-cv-497

v.

FINANCIAL MANAGEMENT SYSTEMS,

Defendant.

_____ /

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant, FMS Investment Corp., improperly pled as Financial Management Systems (“FMS”), through undersigned counsel, hereby removes this action from the Civil Court of the City of New York, County of Queens, State of New York, to the United States District Court for the Eastern District of New York.

In support of this Notice of Removal, FMS states as follows:

1. Plaintiff, Whitney Bautista, originally commenced this action by filing a complaint against Defendant FMS in the Civil Court of the City of New York, County of Queens, where it is presently captioned as *Whitney Bautista v. Financial Management Systems*, Index No.: CV-025599/2020-QU.

2. In the complaint, plaintiff alleges statutory causes of action FMS. A true and correct copy of plaintiff’s complaint is attached hereto as Ex. “A.”

3. Plaintiff accuses FMS of violating the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et seq.*

4. FMS received plaintiff’s summons and complaint on or about January 13, 2021.

5. This Court has jurisdiction over plaintiff’s claim pursuant to 28 U.S.C. §§ 1331 and 1441 in that the claim is founded on a claim or right arising under the laws of the United States.

6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which FMS received plaintiff’s complaint. *See* 28 U.S.C. § 1446.

7. Written notice of this Notice of Removal of this action is being immediately provided to the Civil Court of the City of New York, County of Queens. *See* Ex. “B.”

8. Written notice of this Notice of Removal of this action is being caused to be served on the plaintiff.

WHEREFORE, defendant, Financial Management Systems, gives notice that this action is removed from the Civil Court of the City of New York, County of Queens, State of New York, to the United States District Court for the Eastern District of New York.

Dated: January 29, 2021

Respectfully submitted,

/s/ Aaron R. Easley
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2021, a copy of the foregoing **Notice of Removal to the United States District Court for the District of New Jersey** was served electronically via CM/ECF and by placing a copy of the same via Federal Express upon all parties of record.

Edward B. Geller, Esq.
15 Landing Way
Bronx, New York 10464
Attorneys for Plaintiff Whitney Bautista

By: /s/ Aaron R. Easley
Aaron R. Easley, Esq.
Attorney for FMS